



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.9923 of 2014

and

MP (MD) No.1 of 2014

Angammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Musiri,
Trichy District.

2.Neeladevi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the 1st Respondent to the petitioner in his proceedings in Na.ka.No.A1/4138/2013 dated 06.2014 and signed on 30.05.2014 and quash the same and also direct the 1st Respondent not to tamper with the revenue records till the disposal of the civil suit presently pending in O.S.No. 111 of 2013 on the file of the District Munsif Court, Thuraiyur.

For Petitioner : Mr.V.Singan

For Respondents : Mr.A.Muthukaruppan

Addl. Govt Pleader for R1

R2-No Appearance

ORDER

The challenge made in this writ petition is against the enquiry notice dated 30.05.2014 calling upon the petitioner to appear for an enquiry scheduled on 10.06.2014 by the Revenue Divisional Officer, Musiri, in respect of an objection filed by one Neeladevi, the second respondent herein, as against the transfer of patta in the name of the petitioner.

2.It is seen that the patta in respect of the subject matter
<https://hcservices.ecourts.gov.in/hcservices/>
land was transferred by the Tahsildar, Thuraiyur in the name of the petitioner and therefore, the second respondent preferred an



appeal by way of an objection before the Revenue Divisional Officer as against such transfer. Now, the Revenue Divisional Officer wanted to conduct an enquiry based on such objection and consequently issued the notice calling upon the petitioner to appear for such enquiry. Said notice is sought to be challenged before this Court by contending as though the Revenue Divisional Officer has assumed the jurisdiction of the original authority, namely, the Tahsildar, while considering the issuance of patta. I do not think the petitioner is justified in contending so in view of the fact that the very proceedings challenged in this writ petition itself is only an enquiry notice calling upon the petitioner to appear for an enquiry to be conducted by the Revenue Divisional Officer as against the objection raised by the second respondent in respect of grant of patta in favour of the petitioner. So far all purpose it has to be construed that the first respondent is seized of the matter as an appellate authority and wanted to conduct an enquiry. I do not think that the petitioner can oppose such conducting of enquiry. Needless to say that the petitioner can raise all the objections and grounds before the first respondent.

3. Accordingly, this writ petition is dismissed by giving liberty to the petitioner to approach the first respondent to place all the objections. Since the original enquiry was scheduled on 10.06.2014, the first respondent is directed to issue fresh notice to the petitioner fixing the date of enquiry. On receipt of such notice, the petitioner shall make her objection within a period of two weeks from the date of receipt of a copy of the notice. On receipt of such objection, the first respondent shall conduct an enquiry and after giving due opportunity of hearing to the petitioner as well as the second respondent and pass orders on merits and in accordance with law within a period of twelve weeks thereafter. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

skn
To

The Revenue Divisional Officer,
Musri, Trichy District.

+1cc to Mr.V.Singan, Advocate Sr.No. 7845

JAM/21.02.17 /CM-MSA/ 2p-3c

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